

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
1998 Biennial Regulatory Review)	
)	CS Docket No. 98-61
"Annual Report of Cable Television)	
System", Form 325, filed pursuant to)	
<u>Section 76.403 of the Commission's Rules</u>)	

Comments of Ameritech New Media, Inc.

Ameritech New Media, Inc. ("Ameritech") respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned docket.¹ In the Notice, the Commission proposes to eliminate or modify the process of collecting Form 325, "Annual Report of Cable Television Systems,"² which is provided for in section 76.403 of the Commission's rules,³ on the grounds that: (1) the information collection process has proven to be so burdensome that the Commission has not collected Form 325 data since 1994,⁴ and (2) the information collected by Form 325

¹ *In the Matter of 1998 Biennial Regulatory Review; "Annual Report of Cable Television System", Form 325, filed pursuant to Section 76.403 of the Commission's Rules*, CS Docket 98-61, Notice of Proposed Rulemaking, FCC 98-79 (rel. Apr. 30, 1998).

² FCC Form 325, Schedule A, February 1994 (Approved by OMB 3060-0061) (expires 4/30/96).

³ 47 C.F.R. § 76.403 (providing that the operator of every operational cable television system must "correct and/or furnish information in response to forms, encompassing each community unit, mailed to said operator by the Commission[, which include] "Annual Report of Cable Television Systems," Form 325").

⁴ Notice, FCC 98-76 at para. 5.

may be available from other sources.⁵ Ameritech believes that, consistent with the procompetitive, deregulatory objectives of the Telecommunications Act of 1996 (“1996 Act”),⁶ the Commission should eliminate, and not simply modify, the process of collecting Form 325 because the process is overly burdensome both for the Commission and cable operators, and plainly unnecessary.

Form 325 constitutes the Commission’s basic annual reporting requirement for the cable television industry, and solicits operational information from all U.S. cable television systems concerning, among other things: the operator’s name and address; system-wide capacity and frequency information; channel usage; and number of subscribers.⁷ Form 325, which was intended to provide the Commission with information that would assist in the development of policies and rules applicable to the cable industry, was originally developed for use on a one-time basis in 1996, and subsequently adopted as an annual filing requirement in 1971.⁸ In order to reduce the filing burden and increase the accuracy of the Commission’s cable database, the Commission developed a process pursuant to which the Commission sends preprinted and completed forms reflecting the information in the Commission’s database to each operator. The operator then is required only to correct any information that has changed since the previous filing.⁹ Because this process proved to be very resource intensive, due to the need to review returned forms manually,

⁵ *Id.* at para. 6

⁶ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

⁷ Notice, FCC 98-79 at para. 1, 3-4.

⁸ *Id.* at para. 3.

⁹ *Id.* at para. 5.

the Commission has not mailed out Form 325 or collected Form 325 data since 1994.¹⁰

The Commission therefore proposes either: (1) to abolish the Form 325 collection process entirely, or (2) to reform the process so that data deemed to be important can be collected in a more efficient manner.¹¹ The Commission solicits comment on this proposal, and, in particular, on whether there is still a need for the Commission to have access to the information reported on Form 325, and the extent to which such information is available from other sources.¹²

Ameritech strongly supports the Commission's proposal to eliminate entirely the Form 325 data collection process. This process is a classic example of a regulatory requirement in search of a reason. While Form 325 may at one time have had a legitimate purpose, it has now outlived completely its usefulness. The fact that the Commission has, apparently, not seen any need to send out Form 325 to cable systems since 1994 clearly establishes that Form 325 data is not at all necessary for the proper performance of Commission functions, including enforcement of existing regulatory requirements or the development of Commission policy relating to cable television services. Retaining the Form 325 collection process under these circumstances would be completely antithetical to the deregulatory objectives of, and national policy framework established by, the 1996 Act. It also would be contrary to Congress's mandate in the Paperwork Reduction Act

¹⁰ *Id.*

¹¹ *Id.* at para. 6.

¹² *Id.* The Commission observes, for example, that, although not subject to accuracy and specificity requirements applicable to governmental reporting systems, information concerning the basic facts of cable television system operation is available from commercial sources such as A.C. Nielsen and Warren Publishing. *Id.* at para. 6. The Commission also notes that signal leakage information contained in Form 325 is also covered by FCC Form 320 (Basic Signal Leakage Performance Report). *Id.* It further notes, on the other hand, that the only official source of leased access information is Form 325. *Id.*

that federal agencies minimize to the extent possible the paperwork burden resulting from the collection of information by the federal government.¹³

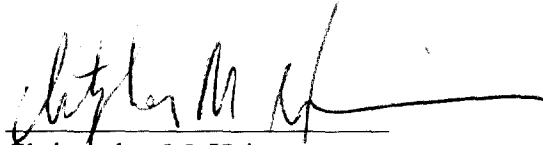
Despite the foregoing, the Commission speculates that Form 325, as modified, might be a useful source of channel capacity and use data, and ownership information. Imposing or retaining a burdensome annual information collection requirement based on mere speculation that the information collected might be useful would, however, plainly be inconsistent with the goals of the 1996 Act and the Paperwork Reduction Act.¹⁴ Such a requirement would be particularly unwarranted where, as here, the Commission retains ample authority to request or require parties to provide information if the Commission determines that it needs such information for a specific purpose. Consequently, the Commission should not grasp at straws in a vain attempt to justify retention of even a modified Form 325 collection process on the off chance that the data collected may some day be useful for some unspecified purpose. Rather, it should, consistent with the mandate of the Paperwork Reduction Act, and the deregulatory objectives of the 1996 Act, completely eliminate Form 325 and, in future, establish limited, targeted information

¹³ See Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 109 Stat. 163 (1995), *codified at* 44 U.S.C. §§ 3501, *et seq.*

¹⁴ Ameritech observes, in this regard that, if the regular collection of such data were truly necessary for the proper execution of the Commission's functions, the Commission would certainly have collected Form 325 data at some point in the past four years.

collection requirements only in response to a demonstrated need.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher M. Heimann", written over a horizontal line.

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